IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

***

WRIT PETITION NO. 13346 of 2005

Between:

B. Venkataswamy, S/o. B. China Laxman, Hindu,
Bandarllapalli Village, Kolimigundla Mandal, Kurnool District.

..... PETITIONER

A N D

1) The Deputy Director of Mines & Geology, Kurnool.
2) The Assistant Director of Mines & Geology, Banaganpally, Kurnool.
3) The Superintendent of Police, Kurnool, Kurnool District.
4) Smt. Ramalakshmi, W/o. Ramanjaneyulu, Hindu,
R/o. Venkatareddipally Village, Tadipatri Mandal, Ananthapur District.
5) Anjanappa, S/o. Sunjappa, Hindu, R/o. Venkatareddipally Village, Tadipatri

Mandal, Ananthapur District.
6) Subbarayudu, S/o. Sunjappa, Hindu,
R/o. Venkatareddipally Village, Tadipatri Mandal, Ananthapur District.
7) Shivudu, S/o. Peddanna, Hindu,
R/o. Venkatareddipally Village, Tadipatri Mandal, Ananthapur District.
8) Ramanajaneyulu @ Nadipenna, S/o. Peddanna, Hindu,
R/o. Venkatareddipally Village, Tadipatri Mandal, Ananthapur District.
9) Ramakrishna, S/o. Nadipenna, Hindu,
R/o. Venkatareddipally Village, Tadipatri Mandal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus directing the respondents 1 to 3 to initiate action against the illegal mining operations being conducted by respondents 4 to 9 without any mining or quarry lease in their favour over an extent of 1.388 hectares in Survey No. 448/1 of Abdullapuram VIllage, Kolimigundla Mandal, Kurnool

District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondents1 & 2 : GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.3 : GP for Home

Counsel for the Respondents 4 to 9: None appeared

The Court made the following at the admission stage **: (Order follows 2nd page)**

O R D E R

This writ petition is filed seeking a direction to the respondents 1 to 3 to initiate action against the illegal mining operations being conducted by respondents 4 to 9 without any mining or quarry lease in their favour over an extent of 1.388 hectares in survey no.448/1 of Abdullapuram village, Kolimigundla Mandal, Kurnool district.

This writ petition was listed on 22-6-2005, there was no representation and this court directed to list the writ petition in the next week. On 27-6-2005 when the writ petition was listed, the learned counsel for the petitioner sought one week for filing better affidavit after collecting further material in support of the case of the petitioner. Thereafter, on 04-7-2005 when it was listed again the matter underwent adjournment and directed to list the writ petition after two weeks.

Even today i.e., 18-7-2005 when the writ petition is listed under the caption ‘for admission’, the learned counsel for the petitioner is not able to file better affidavit.

The writ petition is therefore dismissed. It is needless to observe that the petitioner is entitled to file better affidavit as and when he collects the material in support of his case and on filing better affidavit the same shall be considered on its own merits uninfluenced by the dismissal of this writ petition.

The writ petition is accordingly dismissed. No costs.

JULY 18th, 2005. ----------

I S L. ELIPE DHARMA RAO , J

To

1) The Deputy Director of Mines & Geology, Kurnool.
2) The Assistant Director of Mines & Geology, Banaganpally, Kurnool.
3) The Superintendent of Police, Kurnool, Kurnool District

4) Two CCs to Govt.Pleader for Mines & Geology, High Court Buildings,

High Court of AP Hyderabad. (OUT)

5) One C.C. to MR.V.RAJAGOPAL REDDY, Counsel for the Petitioner.

6) One C.C. to Govt.Pleader for Home, High Court Buildings,

High Court of AP., Hyderabad.

7) Two CD copies.